

City Council of the Mayor and Council of New Castle
Public Hearing
Tuesday, January 13, 2009
6:30 p.m.

Present:

Council President William Blest
Councilperson Janet Churchill
Councilperson John Gaworski, Jr.
Councilperson Teel Petty
Councilperson Donald Reese

Also present:

City Administrator Cathryn Thomas, City Treasurer Janet Carlin, Tree Commission Chair Mr. Frances (Chip) Patterson

Public Hearing — A Public Hearing was held to discuss a proposed amendment to the City's Tree Commission Ordinance, and a proposed new Ordinance entitled, "Street Tree Ordinance."

Comments from residents were read into the record by the City Administrator. In a letter addressed to Council, Mr. Whitehead expressed concerns and made suggestions including instituting an ongoing maintenance program for pruning trees and dealing with sidewalks disturbed by street trees in New Castle. Maintenance should be done on a rotating schedule with a log available on the internet.

It should be made clear in the Ordinance that if the Tree Commission and City of New Castle is responsible for maintaining and removing trees, if an ill-maintained tree or limb from a tree falls and damages a house or car or injures a person, it is solely the liability of the City.

Ms. Judy Hentkowski suggested that if people wanted to get their street trees pruned, the Tree Commission could endorse local Tree companies, saving the Tree commission money. Alternatively, residents could give the Tree Commission money for services to Street trees on their property and receive a tax receipt.

Discussion followed.

Mr. Patterson spoke about several issues including ownership and property owner versus City responsibility. If property is owned to middle of the street, does that include the Street Trees and responsibility of issues arising from them?

Sidewalks disturbed by Street Trees can pose a liability. Sidewalks are the responsibility of the property owners and a question is, is that the same when Street Trees are concerned? Signs could be posted to limit liability. The City could work with property owners to ramp over tree roots. Taking trees down is always the last option.

Action on the two ordinances was tabled, until changes can be made in light of the comments from the citizens and as a result of the review by the City Solicitor.

A motion was made by Councilperson Churchill and seconded by Councilperson Gaworski to adjourn the Public Hearing, which was adjourned at 6:54 p.m.